IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-081298 TRIAL NO. C-08CRB-21630
Plaintiff-Appellee,	:	
vs.	:	*JUDGMENT ENTRY.*
DANNY TERRELL,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.[1]

Following a bench trial in Hamilton County Municipal Court, Danny Terrell appeals his conviction for criminal damaging. Terrell had damaged the door to the water-meter room at the College Grove Condominiums. Terrell did not own a unit at the complex but resided in a unit owned by his mother.

At trial, Kris Norton, the managing agent for the College Grove Condominium Association, testified that she had turned off the water to Terrell's mother's unit to fix a water leak in the unit. Terrell did not cooperate with the repair and became angry about the lack of water. One week after Norton had turned off the water, Norton received a voice message from an angry Terrell, who threatened that if he did not have any water, no one would have any water. After receiving the threat, Norton went to the condominium complex and observed that the secured door to the water-meter room had been damaged,

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[1] See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

and that the water for three other condominium units had been shut off. The management company had to replace the door at a cost of $110.40.

Norton testified that the water-meter room and its door were both owned by the condominium association. She further testified that the condominium owners did not have a key to the door, which was always locked, and that Terrell did not have permission to enter the room, damage the door, and shut off the water supply to the other units.

Terrell testified that the water-meter room, located under the stairs to his mother's unit, was a part of his mother's unit, and that he had had her permission to break the door. Terrell also testified that he had contacted the police before breaking the door and had been told "that it was a civil matter." Terrell's mother did not testify.

The trial court found Terrell guilty of criminal damaging. As part of the sentence, the court ordered Terrell to pay restitution of $110.40 to Serenity Community Management, the entity that, according to Norton, was due the restitution.

In his sole assignment of error, Terrell argues that his conviction was not supported by sufficient evidence and was against the manifest weight of the evidence. To support the conviction, the state was required to establish that Terrell had knowingly caused physical harm to the property of another without the other person's consent.[2]

Based upon Norton's testimony, the trial court could have concluded that Terrell had broken the association's door without its consent, and that he had done so knowingly. "A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist."[3] We note that, contrary to Terrell's contention, an association may hold property in its own

[2] R.C. 2909.06(A)(1).
[3] R.C. 2901.22(B).

name.[4] Thus, we hold that Terrell's conviction was supported by sufficient evidence.[5] And after our review of the entire record, including Terrell's testimony, we are not convinced that his conviction was against the manifest weight of the evidence.[6] Accordingly, we overrule the assignment of error.

Although it is not addressed in a separate assignment of error, Terrell also challenges the restitution award to Serenity Community Management. Terrell argues that the record does not demonstrate Serenity's connection to the offense—Norton did not identify Serenity as her employer. But Terrell did not object to the restitution order on this basis before the trial court. And the record demonstrates that the court ordered restitution to Serenity based on the request of Norton, the managing agent for the condominiums. In light of these facts, we find no merit to Terrell's contention.[7]

Accordingly, we affirm the trial court's judgment.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., SUNDERMANN and **CUNNINGHAM, JJ.**

To the Clerk:

Enter upon the Journal of the Court on December 23, 2009

per order of the Court _____.
Presiding Judge

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[4] See R.C. 5311.081(7) and (8).
[5] See *State v. Jenks* (1991), 61 Ohio St.3d 259, 574 N.E.2d 492, paragraph two of the syllabus, following *Jackson v. Virginia* (1979), 443 U.S. 307, 99 S.Ct. 2781.
[6] See *Tibbs v. Florida* (1982), 457 U.S. 31, 102 S.Ct. 2211; see, also, *State v. Thompkins*, 78 Ohio St.3d 380, 387, 1997-Ohio-52, 678 N.E.2d 541.
[7] See R.C. 2922.28(A)(1).